

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE M.H.S. ANSARI

and

THE HON'BLE MR JUSTICE T.CH.SURYA RAO

WRIT PETITION NO : 3230 of 2005

Between:

Babu Mian S/o.Shamseer Patel,

Aged about 54 years, Occ: Business,

R/o.H.No.6-47, Near APSRTC Bus Depot,

Kukatpally, Hyderabad.

..... PETITIONER

AND

1 The Commissioner, Customs and Central Excise,

Hyderabad-IV, Commissionerate,
Posnett Bhavan, Ramkoti, Hyderabad.

2 The Joint Commissioner Customs and Central Excise,

Hyderabad-IV, Commissionerate,
Posnett Bhavan, Ramkoti, Hyderabad.

3 The Asst.Commissioner, Customs and Central Excise,

Hyderabad-IV, Commissionerate,
Posnett Bhavan, Ramkoti, Hyderabad.

4 M/s Aditya Ispat Udyog Rep. by its proprietor M.D.Anand Agarwal
R/o.H.No.15-1-52, Old Feel Khana, Hyderabad

5 M/s K.G.N.Steel Traders Rep. by Syed Shah Alam Quadri
16-8-238/6, New Nallakunta, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate writ or order or direction more particularly one in nature of writ of mandamus declaring the action of the second respondent in issuing order of attachment dt.22.1.2005 and 2.2.2005 in File No.HRQS/ARC/1/2005 in respect of the petitioners house bearing H.no.6-47, Kukatpally, Hyderabad, as arbitrary, illegal and against the principals of natural justice and consequently set aside the said orders and pass such other order or orders.

Counsel for the Petitioner: MR.CH.SUDHAKAR BABU

Counsel for the Respondent Nos.1 to 3: MR.ARAJASHEKAR REDDY (SC FOR CG)

The Court at the admission stage made the following:

ORDER: (Per Hon'ble Sri Justice T.Ch.Surya Rao)

The learned counsel for the petitioner seeks to withdraw the writ petition on the premise that he would prefer an appeal as provided under provisions of Section 35 of the Central Excise Act, 1944.

Leave is granted to the petitioner with liberty to file an appeal. The writ petition is, accordingly, dismissed as withdrawn. No order as to costs.

(M.H.S.ANSARI, J.)

(T.CH.SURYA RAO, J.)

7.3.2005

Note:

Issue copy on priority basis.

B.O.

kpr

To

1. The Commissioner, Customs and Central Excise,

Hyderabad-IV, Commissionerate,

Posnett Bhavan, Ramkoti, Hyderabad.

2 The Joint Commissioner Customs and Central Excise,

Hyderabad-IV, Commissionerate,

Posnett Bhavan, Ramkoti, Hyderabad.

3 The Asst.Commissioner, Customs and Central Excise,

Hyderabad-IV,Commissionerate,

Posnett Bhavan, Ramkoti, Hyderabad.

4. 2 C.D. copies.